ARTICLE XXV.
CONDITIONAL USE PERMITS

Sec. 25.00. Purpose; intent.

A conditional use permit, as may be provided in the district use regulations, is for the purpose of protecting the integrity and character of the district from the effects of certain uses. The design, location and character of a conditional use is subject to the review and discretion of the planning commission and governing body as herein set forth.

Sec. 25.01. Application.

An application for a conditional use permit shall be in accordance with the procedure for an amendment to the district map, as set forth in article XXXIII, amendments. In addition, the applicant shall submit a statement which demonstrates that:

(a) The density, height, bulk and other characteristics of the proposed use conforms to the guidelines for evaluation.

(b) The proposed site and building design conforms to the guidelines for evaluation.

(c) The operating characteristics of the proposed use conform to the guidelines for evaluation.

(d) A statement which describes any actions which are to be taken to lessen any adverse impacts upon the surrounding area.

(e) Other supporting data such as a map, a plan or diagram or other descriptive data or materials that may depict the proposed use and/or surrounding area.

(f) An application for a conditional use permit shall be accompanied by a site plan unless, the planning director determines a site plan would not enhance the evaluation of the project based upon the proposed usage, scale or intensity of development. When required, the applicant shall submit ten (10) copies of a site plan as prepared by an architect, engineer, landscape architect, surveyor or other qualified professional. The site plan shall be prepared in accordance with the provision of section 39.05 of this chapter.

The planning director may waive any of the requirements of section 39.05 if the requirements are determined to be unnecessary due to the scope and nature of the proposed development.

Sec. 25.02. Guidelines for evaluation.

The objective is to encourage developments which minimize the adverse effects on surrounding properties and neighborhoods; and the community at large. The planning commission and the governing body shall evaluate all proposed conditional use permit applications with respect to the following:

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<th>(a) Land Use Compatibility</th>
<th>Guidelines</th>
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<td>(1) Development density</td>
<td>Site area per unit, or intensity of use should be similar to surrounding uses if not separated by major physical improvements or natural features.</td>
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<th>(b) Height and Scale</th>
<th>Guidelines</th>
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<td>(1) Height and bulk</td>
<td>Development should minimize difference in height and building size from surrounding structures.</td>
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Substantial differences shall be justified by urban design considerations.

### (2) Setbacks
Development should respect preexisting setback lines in surrounding area. Variations shall be justified by significant site features or operating characteristics.

### (3) Building coverage
When possible, building coverage should be similar to that displayed in surrounding areas. Higher coverage should be mitigated by landscaping, buffering or other site amenities.

### (c) Site Development

#### (1) Frontage
Generally, a project's frontage along a street or private way should be similar to its lot width.

#### (2) Parking and internal circulation
1. Parking and circulation should serve all structures with minimal vehicular and pedestrian conflicts.
2. All structures shall be readily accessible to public safety vehicles.
3. Development shall have access to adjacent public streets or private ways. Internal circulation should distribute traffic to minimize congestion at access points.

#### (3) Landscaped Areas
When possible, building coverage should be similar to that displayed in surrounding areas. Higher coverage should be mitigated by landscaping or other site amenities.

### (d) Building Design

1. Architectural design and building materials should be compatible with surrounding properties if located adjacent to residential districts or in highly visible locations.
2. The adaptive reuse and restoration of historically significant structures shall be considered. Historically significant structures means structures listed on the National Register of Historic Places or the state register of historic places.

### (e) Operating Characteristics

#### (1) Traffic capacity
Projects should not materially reduce the existing level of service on adjacent streets. Projects will be required to make street improvements and/or dedicate right-of-way to mitigate negative effects.

#### (2) External traffic
Project design should direct nonresidential traffic away from residential areas.

#### (3) External effects
Projects with long operating hours shall minimize effects on surrounding residential areas. Buffering techniques which isolate the conditional use from adjacent lower intensity uses may be required.

#### (4) Outside storage
If permitted, outside storage areas shall be screened from adjacent streets and less intensive zoning districts and uses.

### (f) Public Facilities

#### (1) Sewage disposal
Developments involving sewage effluent shall connect to the public sewer system when available. If permitted, individual systems must not adversely...
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<td>(2)</td>
<td><strong>Sanitary sewer</strong>&lt;br&gt;Sanitary sewer shall have adequate capacity to serve the development when connection to a sewer system is required.</td>
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<td>(3)</td>
<td><strong>Stormwater management</strong>&lt;br&gt;1. Development design should handle stormwater runoff without overloading or substantially diminishing capacity of public storm sewer system.&lt;br&gt;2. Development should not inhibit development of other properties.&lt;br&gt;3. Development should not increase probability of erosion, flooding, landslides, or other endangerment to surrounding properties.</td>
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<td>(4)</td>
<td><strong>Utilities</strong>&lt;br&gt;Projects requiring utility service shall provide evidence of such service to the site.</td>
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<td>(g)</td>
<td><strong>Comprehensive Plan</strong>&lt;br&gt;Projects should be consistent with the policies of the comprehensive metropolitan plan and should minimize adverse economic effects on surrounding properties.</td>
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<td>(h)</td>
<td><strong>Additional Regulations</strong>&lt;br&gt;In addition to the foregoing guidelines, conditional uses shall be required to conform to the additional regulations specifically listed for a use as set forth in article XXVI.</td>
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**Sec. 25.03. Restriction; authority.**

Upon recommending approval of a conditional use permit, the planning commission may place reasonable restrictions and/or conditions upon the proposed use. The governing body may require any reasonable restrictions or conditions upon the granting of a conditional use permit. The granting of a conditional use permit shall be by resolution and shall be assignable to the subject property by legal description and not to a person, firm or corporation.

**Sec. 25.04. Time limit.**

Approval of the conditional use application by the governing body shall expire twenty-four (24) months after the date of the approval decision unless the applicant has obtained a building permit, where required, or commenced operation for the use within the twenty-four-month (24) period. A twelve (12) month extension can be obtained upon written request of the applicant and submitted prior to conclusion of the twenty-four (24) month period. The written request shall state the reasons for which the extension is requested along with documentation why the conditional use permit was not able to be commenced within the initial twenty-four (24) month period. Requests for extension which are received after the initial twenty-four (24) month period will be subject to the application and approval process as with the initial application.

**Sec. 25.05. Amendment.**

Amendments or modifications to approved conditional use permit shall be submitted to the planning department for review and consideration. Amendments to an approved conditional use permit shall fall under one of two categories: *minor amendment* or *major amendment*. 
(a) **Minor Amendments:** Minor amendments are changes to an approved conditional use permit which are insubstantial in nature and do not affect or alter the operating conditions and restrictions of approval. Typically, minor amendments will include adjustments to the site plan. Minor amendments may be approved, if at all, by the planning director. Such changes may be authorized without additional public hearings, at the discretion of the planning director. This provision shall not prohibit the planning director from requesting a recommendation from the planning commission.

(b) **Major Amendments:** Major amendments are substantial changes to the character and impact to the original approved conditional use permit. Such changes include, but are not limited to: modification of any condition or restriction governing the conditional use permit; extension of the authorized period of approval of the conditional use permit; or, any change in the approved site plan that, in the judgment of the planning director, will alter the character of the project or change the relationship with surrounding properties.

(c) **Amendment Procedure:** Proposed amendments shall be submitted to the planning department for review and consideration. The proposed amendment shall consist of a written statement explaining the amendment that is sought; ten (10) prints of a revised site plan, as applicable; and filing fee. The planning director shall determine whether the proposed amendment is minor or major and apply the corresponding process. Major amendments shall be processed in the same manner as the original application including a public hearing before the planning commission and final determination by the county commission. Minor amendments shall be considered directly by the planning director, with or without the recommendation of the planning commission. The planning director may either approve, approve subject to conditions, or deny a request for a minor amendment. If a minor amendment is denied, the applicant may submit the proposed amendment for consideration as a major amendment.

**Sec. 25.06. Revocation.**

The governing body may revoke any conditional use permit pursuant to this article. No conditional use permit issued pursuant to this article shall be subject to the revocation procedures herein until such time that a complaint has been filed in the office of the county clerk and a hearing held before the governing body. Within 30 days of the receipt of a complaint, the county clerk shall set the date for the public hearing giving notice of the time, place and subject of such hearing by publishing the same once in the official county newspaper at least 20 days prior to the date fixed for the hearing. A copy of the notice shall be mailed to the current holder of the conditional use permit in question. Upon hearing, the governing body may take such action as to allow the continuance of the permit, continuance of the permit subject to additional restrictions, or revocation of the permit.

**Sec. 25.07. Abandonment.**

If a conditional use permit is discontinued for a continuous period of at least two years, the conditional use approval shall become void and a new application shall be required prior to the re-establishment of the use.